

The Atkin Firm, LLC

Attorneys at Law

By: John C. Atkin, Esq.*

* Member of NJ, NY, and PA Bar

55 Madison Avenue, Suite 400
Morristown, NJ 07960

400 Rella Boulevard, Suite 165
Suffern, NY 10901

Tel: (973) 314-8010

Fax: (833) 693-1201

Email: JAtkin@atkinfirm.com

May 22, 2020

VIA UPS

The Honorable Sanket J. Bulsara
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Strike 3 Holdings, LLC v. John Doe Infringer identified as using IP address 24.191.191.213*
Dkt. No. 1:20-cv-1022-RRM-SJB (SEALED)

Plaintiff's Letter Motion for (1) Extension of Time Within Which to Effectuate Service on John Doe Defendant and (2) CM/ECF access to Sealed Docket

Judge Bulsara:

As you know, I represent Plaintiff Strike 3 Holdings, LLC ("Plaintiff") in the above-captioned matter. Plaintiff respectfully requests the entry of an order (1) extending the time within which to serve Defendant John Doe Infringer identified as using IP address 24.191.191.213 ("Defendant") with a Summons and Complaint, and (2) permitting the undersigned counsel for Plaintiff to electronically access the docket for this matter and file future documents via CM/ECF.

By way of background, this is a BitTorrent copyright infringement matter concerning works of an adult nature. Although Plaintiff is aware of Defendant's identity (and has identified them in the pleading filed with the Court), Plaintiff is sensitive to the potential privacy and reputational concerns in this litigation and otherwise has an interest in allowing Defendant to defend the claims in this matter pseudonymously. Accordingly, on February 25, 2020, the undersigned appeared in person before the Clerk of the Court to file the initiating documents for this case, along with an Application for Leave to File Document under Seal, pursuant to Fed. R. Civ. P. 5.2(e) and Administrative Order 2004-05. To date, the Court has not ruled upon that application, but the docket for this matter is currently sealed by the Clerk, and the undersigned counsel for Plaintiff is not able to electronically access it or file documents using CM/ECF.

The Honorable Sanket J. Bulsara
May 22, 2020

Although Plaintiff's process server has diligently made numerous attempts to effect personal service of process on Defendant, Fed. R. Civ. P. 4(e)(2), these attempts have been unsuccessful to date. Accordingly, Plaintiff is now attempting to effect service of process "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made," Fed. R. Civ. P. 4(e)(1), specifically, by affixing the pleadings to the door of Defendant's "dwelling place or usual place of abode" and mailing the pleadings to their residence in an appropriately labelled envelope, pursuant to NY CPLR § 308(4). This process requires proof of service (and diligence concerning past attempts) to be filed with the Clerk of the Court within twenty (20) days of the affixation or mailing, provides that "service shall be complete ten days after such filing." *Id.*

Plaintiff is currently required to effect service of process on or before Tuesday, May 26, 2020. See Fed. R. Civ. P. 4(m), 6(a)(1)(C). Accordingly, for all the foregoing reasons, Plaintiff respectfully requests that the time within which it must effectuate service of the Summons and Complaint on Defendant be extended an additional sixty (60) days, and thus the deadline to effect service be extended to July 24, 2020. This is Plaintiff's first request for an extension of time within which to effectuate service of process.

Plaintiff also respectfully requests that the Court enter an Order directing the Clerk of the Court to permit the undersigned counsel for Plaintiff to (1) electronically access the sealed docket for this matter, (2) receive electronic notifications in this matter via CM/ECF, and (3) electronically file future documents in this matter via CM/ECF. See Admin. Order 2004-08.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ *John C. Atkin*

John C. Atkin, Esq.

cc: Clerk of the Court
(via UPS, along with enclosed SASE and additional copy for stamped-filed return service)
Defendant John Doe Infringer identified as using IP address 24.191.191.213
(via Regular Mail)



The Atkin Firm, LLC
55 Madison Avenue, Suite 400
Morristown, NJ 07960

The Atkin Firm, LLC
55 Madison Avenue, Suite 400
Morristown, NJ 07960